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The situation of human rights in the Republic of Chechnya of the Russian Federation

Report of the Secretary-General

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Introduction

1. At the fifty-first session of the Commission on Human Rights, the Chairman read out a statement indicating the Commission's consensus agreement in connection with the situation of human rights in the Republic of Chechnya of the Russian Federation (see E/1995/23-E/CN.4/1995/176, para.594). In the statement, entitled "Situation of human rights in Chechnya", the Commission expressing its deep concern over the disproportionate use of force by the Russian armed forces, deplored the grave violations of human rights, before and after the beginning of the crisis, as well as of international humanitarian law and the continuation of those violations.

2. The Commission strongly deplored the high number of victims and the suffering inflicted on the civilian population and on displaced persons, and the serious destruction of installations and infrastructure used by civilians. It called for all those who had committed violations of human rights against individuals to be brought to justice.

3. The Commission called urgently for an immediate cessation of the fighting and of violations of human rights and for the holding of a dialogue without delay with the aim of achieving a peaceful solution to the crisis, with respect for the territorial integrity and the constitution of the Russian Federation, as well as a guarantee of human rights. It called for the unhindered delivery of humanitarian aid to all groups of the civilian population in need.

4. Noting that it would continue to follow the development of the situation in Chechnya, the Commission requested the Secretary-General to report on the situation of human rights in the Republic of Chechnya during its fifty-second session under the appropriate item of its agenda. The present report of the Secretary-General has been prepared in compliance with that request on the basis of information: (a) submitted by the Government of the Russian Federation; (b) available under United Nations human rights mechanisms and procedures; and (c) received from United Nations bodies and programmes, and from intergovernmental and non-governmental organizations.

I. UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

5. During 1995 and 1996, the High Commissioner for Human Rights carried out a number of consultations with Russian authorities on the human rights situation in Chechnya. During his meeting on 17 January 1995 with the Russian Foreign Minister, Mr. Andrey Kozyrev, the High Commissioner appealed for an immediate end to violence and violations of human rights in Chechnya and offered to the Russian authorities the cooperation of his Office. He also offered to send as soon as possible a mission to Moscow and Chechnya to meet with all parties concerned.

6. On 1 February 1995, the High Commissioner met with the Commissioner for Human Rights of the Russian Federation, Mr. Sergei Kovalev, who was also the head of the Russian delegation to the fifty-first session of the Commission on Human Rights. Mr. Kovalev expressed his support for a mission to the Russian Federation by the High Commissioner and stated his willingness to make relevant documentation available to such a mission.

7. At the invitation of the Government of the Russian Federation, the High Commissioner sent an envoy, Professor Fausto Pocar, to visit the Russian Federation, including the Republics of Chechnya and Ingushetia from 20 to 30 May 1995. The High Commissioner's envoy was expected to make an overall evaluation of the human rights situation in Chechnya, as well as an assessment of needs, and to recommend action aimed at the promotion of human rights in the region, including cooperation with intergovernmental organizations and non-governmental organizations.

8. The High Commissioner's envoy met with representatives of the Government, the Parliament, the Presidential Administration, the civil society, and the United Nations Resident Coordinator. In view of the military conflict in the region, it was not possible for the envoy to establish direct contact with the Chechen leadership under General Dudayev. The High Commissioner notified the Government of the Russian Federation of the substance of his envoy's conclusions and recommendations.

9. In July 1995, the High Commissioner proposed to send a human rights officer to join the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE) in Grozny. In the light of the difficult circumstances, including the serious security situation in Chechnya, the proposal has not yet been implemented.

10. The High Commissioner has maintained contacts with the Russian authorities, United Nations agencies, intergovernmental organizations, in particular the OSCE, and non-governmental organizations with a view to contributing to the promotion and protection of human rights in Chechnya. In the second half of March 1996, the High Commissioner's envoy is expected to visit Moscow again to discuss the modalities of a United Nations human rights field presence in the context of the situation in Chechnya.

11. On 5 January 1996, the High Commissioner, alarmed by events in Kizlyar, where Chechen fighters had taken hostage a large number of civilians, including women and children, called once again on the parties in Chechnya to take immediately all necessary steps to ensure respect for human rights and humanitarian law.

II. THEMATIC MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS

12. Thematic special rapporteurs and working groups established by the Commission on Human Rights have continued to receive information on human rights violations in Chechnya which they reviewed and acted upon according to their respective mandate.

A. Special Rapporteur on extrajudicial, summary or arbitrary executions

13. The report of the Special Rapporteur on extrajudicial, summary or arbitrary execution to the Commission contains information on his activities with regard to Chechnya (see E/CN.4/1996/4, paras. 408-413).

14. In January 1995 the Special Rapporteur sent two appeals to the Government of the Russian Federation expressing his concern for the lives and physical integrity of the civilian population of Chechnya, as well as that of

members of the armed forces who had laid down their arms or had been placed hors de combat. The concerns of the Special Rapporteur were reiterated in an appeal, dated 5 May 1995, issued jointly with the Special Rapporteur on the question of torture following the raid on the village of Samashki by Federal forces in April 1995. On 3 October 1995, the Special Rapporteur sent his fourth appeal expressing concern about the threat posed by the military activities of Federal troops to the lives of the civilian population of the town of Sernovodsk on the Chechen-Ingush border.

B. Special Rapporteur on the question of torture

15. The reports of the Special Rapporteur on the question of torture to the Commission contain information on his activities with regard to Chechnya (see E/CN.4/1996/35, paras. 140, 141, 150 and E/CN.4/1996/35/Add.1, paras. 568-572, 575-577).

16. On 3 February 1995, the Special Rapporteur sent an appeal to the Russian Government regarding allegations that Federal forces had severely beaten and otherwise ill-treated people during the conflict in the Republic of Chechnya. He expressed his concern for the right of detainees to physical and mental integrity. On 5 May 1995, the Special Rapporteur reiterated his concern in an appeal, transmitted jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, regarding the raid on the village of Samashki by Federal forces in April 1995 after which civilians were reportedly detained in the camps in Mozdok and Assinovskaya, in the latter of which they had allegedly been tortured or ill-treated.

C. Representative of the Secretary-General on internally displaced persons

17. The Representative of the Secretary-General on internally displaced persons has expressed concern with regard to the situation in Chechnya in his report to the United Nations General Assembly (see A/50/558, para. 8).

18. On 7 November 1995, the Representative issued an appeal to the Government of the Russian Federation expressing his concern about the situation of internally displaced persons in the town of Sernovodsk. According to the information he had received, over 3,000 internally displaced persons from Grozny, Samashki and Assinovskaya, living in the town's sanatorium complex, faced serious food shortages as Federal forces blocked roads preventing the transportation of food from neighbouring villages. The Representative called on the Russian Government to guarantee the fundamental rights of the displaced and civilian population of the town, including the rights to life, to be free from hunger and of freedom of movement.

III. SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

19. On 11 August 1995, a draft resolution entitled "Situation in Chechnya" was submitted to the forty-seventh session of the Sub-Commission (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, para. 247).

20. At its 27th meeting, on 18 August 1995, the Sub-Commission considered a draft resolution entitled "Situation in the Chechen Republic of the Russian Federation". At the same meeting, the draft resolution was withdrawn (see E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, paras. 248 and 249).

IV. HUMAN RIGHTS TREATY BODIES ESTABLISHED UNDER INTERNATIONAL INSTRUMENTS

A. Human Rights Committee

21. The Russian Federation has been a party to the International Covenant on Civil and Political Rights since 23 March 1976. It has also ratified the Optional Protocol to the Covenant. 1/

22. The Human Rights Committee considered the fourth periodic report of the Russian Federation (CCPR/C/84/Add.2) on the implementation of the Covenant and the Optional Protocol thereto at its 1426th to 1429th meetings (CCPR/C/SR.1426-1429), held on 17 and 18 July 1995.

23. In its concluding observations (CCPR/C/79/Add.54), adopted at its 1440th meeting held on 26 July 1995, the Committee expressed concern that article 4 of the Covenant, which specifies the provisions that are non-derogable even in times of public emergency, had not been complied with. It maintained that the article was applicable to the situation in Chechnya, where the use of weapons by combatants had led to the loss of life and deprivation of freedom of large numbers of persons, regardless of the fact that a state of emergency had not been formally declared.

24. The Committee deplored the excessive and disproportionate use of force by Russian forces in Chechnya indicating grave violation of human rights. It further deplored the fact that no one had been made responsible for the inhumane treatment of prisoners and other detained persons, that investigations of charges of human rights violations by Russian forces, including killing of civilians, had so far been inadequate, that civilian installations such as schools and hospitals had been destroyed by government forces, and that a large number of civilians had been killed or displaced as a consequence of the destruction of their homes.

25. The Committee expressed deep concern about the large number of reported cases of torture, ill-treatment and arbitrary detention in "reception centres" or "filtration camps", which had originally been established to determine the identities of captured combatants but were reported to accommodate large numbers of civilians as well. It deplored the maltreatment of detainees in those centres and was concerned that the International Committee of the Red Cross (ICRC) had not been given access to all such camps.

26. The Committee was concerned that, due to the violent excesses of recent developments in Chechnya, the level of confidence of the people in the reconstruction efforts by the local authorities and the attempts to bring relief to human rights violations was extremely low.

27. The Committee firmly urged that the serious violations of human rights which had occurred and continued to occur in Chechnya be vigorously and

immediately investigated, the perpetrators punished and the victims compensated. It urged the Government to ensure that all persons held in detention were held for legitimate cause, for a reasonable period of time, and under humane conditions, in conformity with the State party's obligations under the Covenant.

28. The Committee also urged that adequate measures be adopted to alleviate the conditions of all displaced persons following the fighting in Chechnya, including measures aimed at facilitating their return to their towns and villages.

29. Finally, the Committee recommended that, in order to address the lack of confidence in the local government authorities, the Government consider inviting a greater international presence, including the Centre for Human Rights, to assist the Special Multilateral Commission established to investigate recent events in Chechnya in improving the effectiveness of human rights investigations and ensuring fairness of trials until such time as the judiciary was functioning properly. Such a measure would make clear that the Government was committed to ending human rights violations both by submitting itself to international scrutiny and by drawing on international expertise towards that end.

B. Committee on the Elimination of Racial Discrimination

30. In a decision taken at its forty-sixth session, at its 1086th meeting held on 9 March 1995 (A/50/18, para. 5), the Committee on the Elimination of Racial Discrimination, concerned at the situation of human rights in Chechnya, expressed alarm over the disproportionate use of force by the Russian armed forces and the massive loss of life which has resulted in Chechnya; deplored the destruction of civilian property; condemned all violations of human rights and of international humanitarian law, and called for all those who have committed such violations to be brought to justice. The Committee also called urgently for an immediate cessation of the fighting and for a dialogue to achieve a peaceful solution while respecting the territorial integrity and the Constitution of the Russian Federation.

V. OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND OTHER ORGANIZATIONS

31. On 27 December 1994, the Russian Government, through its Federal Migration Service, requested humanitarian assistance from the United Nations High Commissioner for Refugees (UNHCR) for persons displaced from Chechnya. Displaced persons are located principally in the three neighbouring Republics of Daghestan, Ingushetia and North Ossetia, as well as in Chechnya itself. The Government also requested assistance from the International Organization for Migration (IOM) and from the International Committee of the Red Cross (ICRC), who were already present in the region and who were focusing attention initially on displaced persons within Chechnya.

A. United Nations Department of Humanitarian Affairs

32. The Department of Humanitarian Affairs (DHA), in close collaboration with other humanitarian organizations, carries out its task to facilitate

inter-agency communication and coordination through its involvement in information-gathering, liaison with all humanitarian partners as well as with the Government of the Russian Federation, the dissemination of appeals and situation reports and the establishment of various coordination mechanisms. The overall coordination in-country falls under the responsibility of the United Nations Resident Coordinator in Moscow, who is also the UNHCR Representative and DHA Coordinator.

33. The initial Flash Appeal of five United Nations agencies (DHA, UNHCR, United Nations Children's Fund, World Food Programme, World Health Organization), launched on 1 February 1995, sought a total of US$ 23.6 million to cover their activities for January through April 1995. The main focus of the appeal was to assist over 160,000 internally displaced persons from Chechnya in Daghestan, Ingushetia and North Ossetia. It was estimated that 60 per cent of the displaced persons were children under the age of 14, with most of the remainder being women.

34. The Flash Appeal was revised and detailed through the United Nations Consolidated Inter-Agency Appeal for Persons Displaced as a Result of the Emergency Situation in Chechnya launched on 23 March 1995. With a total value of US$ 25.1 million, the revised appeal sought to assist 220,000 most needy displaced persons within the period from 1 January to 30 June 1995. On 6 April 1995, an Alert was issued to raise awareness, within the donor community, of the continuing need to mobilize resources.

35. The United Nations Consolidated Inter-Agency Appeal was updated in July 1995 to cover the period between 1 January and 31 December 1995. A mid-term review was prepared in September 1995 to provide an update on the implementation of humanitarian programmes under the Appeal. The latest inter-agency review (as at 9 December 1995) accounted for a total of some 80,000 internally displaced persons.

36. Following the establishment of military checkpoints by the Federal troops which prevented United Nations staff from providing humanitarian relief to a sanatorium in the town of Sernovodsk which accommodated 3,200 internally displaced persons, the DHA Coordinator, on 12 October 1995, addressed a letter to the Russian authorities expressing concern about the safety of this population.

B. Office of the United Nations High Commissioner for Refugees

37. Although UNHCR does not maintain a presence in the Republic of Chechnya of the Russian Federation, it is assisting displaced persons who have fled the Republic for neighbouring regions, including Daghestan, Ingushetia and North Ossetia. As reported by the UNHCR offices in the surrounding republics, the return of the displaced population has continued unabated since the announcement in August 1995 of the ceasefire agreement between the Federal and Chechen parties. United Nations agencies operating in the field estimated that fewer than 120,000 displaced persons were likely to remain in Daghestan and Ingushetia during the winter of 1995.

38. UNHCR indicates that displacement or further displacement may take place, and that displaced persons could delay their return because of uncertain

security conditions, the destruction of homes and basic infrastructure in parts of Chechnya, and a widespread shortage of basic commodities, particularly food, which bears heavily on the living conditions. In the view of UNHCR, the highest level of vigilance remains necessary in the face of destitution and insecurity which together could generate a new humanitarian crisis. UNHCR also indicated that, concerned for the protection of the rights of those displaced outside Chechnya, it is taking active measures in particular by encouraging and assisting federal and local authorities in the implementation of the existing legislation in a fair and non-discriminatory manner and in accordance with international standards. Furthermore, UNHCR is monitoring, through regular visits, the situation of the affected population.

C. United Nations Children's Fund

39. UNICEF worked in the republics neighbouring Chechnya from January to the end of August 1995. It has provided assistance to internally displaced persons, mostly mothers and children, and trauma relief to the affected children and their mothers including training social workers and women's groups. UNICEF indicated that flagrant human rights violations against women and children were reported during the surveys conducted amongst the displaced population.

40. UNICEF reports that many children who spent days hiding in cellars are unable to sleep because of the nightly strobe-light bombings and accompanying noise. In addition, children manifest different symptoms of trauma: some wet their bed nightly, others wake up screaming, others withdraw into a world of their own. Approximately 80 per cent of trauma victims have suffered some degree of trauma from bombing, in particular from the anti-personnel mines strewn around the Chechen countryside. UNICEF is particularly concerned about the numerous accounts of children going out for firewood and having a leg or an arm blown off by a mine.

D. International Organization for Migration

41. IOM has been involved since January 1995 in the provision of temporary shelter to and emergency transportation for displaced persons as a result of the conflict in Chechnya. It has also provided medical assistance to internally displaced persons housed in its temporary shelters. Over 60,000 internally displaced persons were estimated to have received assistance and de facto protection from IOM.

42. IOM reports that it has been able to deliver, without administrative or other obstacles, humanitarian aid to the persons falling under its mandate and was given free access to all areas of the region. Through a comprehensive "winterization" programme IOM provided shelter and other basic facilities to some 18,000 persons.

43. IOM indicates that only a peaceful settlement will ensure respect for human rights and, like other United Nations humanitarian agencies, it fully supports the efforts to seek a durable solution which will include full respect for human rights.

E. Organization for Security and Cooperation in Europe

44. In view of the OSCE's role and involvement in the peaceful settlement of the conflict in Chechnya, the Secretary-General, by letter of 19 October 1995, requested the OSCE Chairman-in-Office to submit, by 6 November 1995, any information and views in connection with the OSCE's activities in Chechnya. The reply of the OSCE, dated 17 November 1995, was received by fax on 12 December 1995 transmitting the information which is reproduced in extenso below.

" After the outbreak of hostilities in Chechnya that put in jeopardy basic OSCE commitments, the Russian Federation accepted OSCE involvement in the efforts to find negotiated solutions.

"Following a report by the Personal Representative of the Chairman-in-Office and other OSCE officials, based on their visits to the area, the Permanent Council decided, on 11 April 1995, to establish an Assistance Group (AG). Its mandate was to promote respect for human rights, to help foster the development of democratic institutions and processes, and to promote a peaceful resolution of the crisis in accordance with OSCE principles and the constitution of the Russian Federation. The AG, initially consisting of a team of six diplomats, began its work in Grozny on 25 April 1995.

"A month later, direct talks chaired by the AG began among the parties involved in the crisis, in the premises of the OSCE AG. Representatives of the Executive Authorities of the Russian Federation, of the Committee of National Accord of Chechnya, and of representatives of the separatist Chechen leader D. Dudayev took part in these talks. On 31 July 1995, an agreement to end hostilities was signed by Russian officials and representatives of Mr. Dudayev. The agreement provided for an immediate cessation of military hostilities, the liberation of all forcefully detained persons, the disarming of illegal armed formations, the gradual withdrawal of Federal troops, and the cessation of terrorist acts. A Special Observation Commission (SOC) comprising mutually agreed-upon representatives of all sides and of the OSCE was established to ensure the implementation of this agreement. In spite of some progress, the implementation of the agreement met with serious difficulties. Attempts on the lives of high-level Russian officials were made, and sporadic fighting increased. Due to this, the Russian Federation suspended the activities of the SOC, although regular unofficial consultations have continued. In spite of a number of unfriendly acts from some local Grozny authorities and a direct armed attack against its premises, the AG has remained in Grozny, ensuring its availability at a particularly critical time. In particular, the AG has continued to make plain its willingness to assist all sides in the starting up again of the work of the SOC and in establishing contacts with each other towards a durable political solution to this crisis.

"On the question of the state of human rights in Chechnya, the AG has found it necessary to deal with it within the framework of the peace process itself. Indeed, the conduct of hostilities, by creating a state of exception, and thus by disrupting the process of improving the

well-being of the local population, has been a permanent impediment to the respect of human rights. Consequently, what improvement of the human rights situation has taken place here has been strongly influenced by the efforts of all parties concerned to come to a peaceful solution to the crisis, as the only means towards the creation of sustainable political, economic and social stability conducive to the setting up again of mechanisms and institutions for the protection and the enhancement there.

"Towards this goal, the signing of the Military Agreement, on 31 July 1995, can be construed as an intermediary stage, inasmuch as it established a Special Observation Commission for its implementation that provided some means for dealing with the consequences of military hostilities on the well-being of the local population.

"One of the first tasks undertaken by the OSCE AG was to make known its availability to all those who wished to make statements concerning missing persons and alleged human rights violations. All these statements were forwarded to the various Federal and local official bodies, which have been nominated to deal with such cases. From 27 April to 10 November 1995, 937 persons, be they Russian or Chechen, have made statements concerning 1,325 cases. Until now, the AG has little information on how the different authorities have dealt with them. It is to be noted that during the period before the start of the talks' process none of the civil or criminal courts in Chechnya seemed to have taken up again their work.

"Such a situation was indeed precarious and the Federal Authorities with various local representative bodies set up a Joint Inspection Commission to examine the most blatant claims concerning the violation of human rights. The OSCE AG was able to take part in some of the work of this Commission, the results of which were deemed insufficient by the claimants.

"As from the start of the talks' process, especially after 19 June 1995, claims made to the OSCE were directly passed to the official delegations to the negotiations. On several occasions members of each of the delegations and of the AG made on-the-spot visits to help determine facts concerning human rights violations, often made against individual but unidentified Federal troops. The Federal Military Prosecutor's Office was then seized, but, to OSCE knowledge, information concerning the result of its investigations has not been made known.

"Since the signing of the Military Agreement, the OSCE AG has insisted that the parties to the Agreement use the mechanism established by the Special Observation Commission to deal with human rights issues through its subordinated bodies, in particular, the exchange of forcibly detained persons by either side. Until now, only 25 prisoners have been exchanged and this has been done more on a case-by-case basis than in application of the 'all for all' principle stipulated in the agreement. The absence of a sufficient amount of trust between the parties to the agreement has lessened the capacity of the SOC to implement the agreement, with its consequences on the human rights situation.

"However, to a large extent the difficulties that have appeared for the implementation of the Military Agreement have been due to the absence of a global political agreement without which political stability will be more difficult to establish.

"As it would appear that the signing of such an agreement will take time, the AG has again discussed at length with the Federal military and civilian authorities the measures taken by them to deal with the consequences of the hostilities for the local population.

"The Federal military authorities have indicated that they were aware of the negative effects on the local population of measures taken by the Federal forces to keep the situation under control in spite of the continuous 'provocation' by the Dudayev side. Instructions had been given to avoid military operations that would endanger the civilian population and measures taken to re-deploy troops away from populated areas. In response to criticism from the local population concerning discipline, a series of new orders has also been issued for the movement of armed vehicles and general conduct of troops in their relations with the civilian population. Finally, the activity of the Federal Military Prosecutor's Office was being enhanced in the Republic and a Military Tribunal was to be set up soon.

"Mr. Lobov, Plenipotentiary Representative of President Yeltsin to Chechnya, has presented to the AG the more global approach that the Federal Authorities have adopted for dealing with the general well-being of the local population: a Presidential decree taken in the beginning of September 1995 opened the door to a series of measures to be implemented through him with Federal financial support. These measures have concerned the restoring of the water, sewage and electricity systems, the distribution of compensation for damage and the setting up of information centres to deal with claims concerning missing persons and human rights violations. Both the civilian and Federal authorities have agreed that to improve relations with the local population greater publicity for the measures that they had taken was still necessary.

"In all, the general situation of the local population has changed, somewhat to the better over the last six months, in particular since the signing of the Military Agreement. However, without more durable political stability the necessary institutions for coping with and enhancing the human rights situation can only function with difficulty."

F. International Committee of the Red Cross

45. The ICRC, alone and in cooperation with the local committees of the Russian Red Cross Society, operates both inside and outside of Chechnya. Its activities of protection of and assistance to the civilian population include: visiting detainees; search missions to reunite families split up by the fighting; medical assistance; supply of drinking water to prevent outbreaks of epidemics; promotion of respect for humanitarian rules and cooperation as well as support of local Red Cross agencies.

46. Since the beginning of the conflict ICRC has visited some 530 detainees in 17 points of detention located both inside and outside of Chechnya. Between the months of March and June 1995, the Committee assisted 400,000 persons displaced or affected by the conflict. Sixty-five establishments, including 25 hospitals in the region, have benefited from ICRC assistance. Humanitarian norms and basic rules of war have been disseminated through local radio and television and through a brochure included in 80,000 first-aid kits, which were distributed among the members of the armed forces in northern Caucasus.

VI. THE GOVERNMENT OF THE RUSSIAN FEDERATION

47. By note verbale of 19 October 1995, the Secretary-General requested the Government of the Russian Federation to submit, by 15 November 1995, any information and views in connection with the statement of the Chairman of the fifty-first session of the Commission on Human Rights on the "Situation of human rights in Chechnya". Also, by note verbale of 18 September 1995 the Government of the Russian Federation transmitted to the Secretary-General 93 pages of background information in Russian. This information is available for consultation at the Secretariat together with a summary, in English, of the information contained in those texts.

48. On 24 March 1995 and on 13 March 1996, the Government of the Russian Federation replied to the appeals of 5 January 1995 and 3 October 1995 sent by the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the situation in Chechnya. On 15 August 1995, the Government provided a reply to the appeal of 5 May 1995 sent jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture concerning events in the village of Samashki. On 29 February 1996, the Government transmitted a reply to the appeal of 7 November 1995 sent by the Representative of the Secretary-General on internally displaced persons regarding the situation in the town of Sernovodsk.

49. The Secretary-General thanks the Government for its communications and the constructive cooperation it has provided to the various United Nations mechanisms on Human Rights. The reply of the Government to the note verbale of the Secretary-General, received on 11 January 1996, is reproduced in extenso below: 2/

> "The Government of the Russian Federation wishes to point out that the initial cause of the tragedy in Chechnya was the seizure of power over a part of the Russian Federation by the illegal regime of Djokhar Dudaev, as a result of which an abnormal situation developed between 1991 and 1994 in the Chechen Republic, a constituent entity of the Russian Federation: the Constitution and laws of the Federation were repudiated, the system of legitimate organs of power was overturned, regular, illegal armed units supplied with brand-new military equipment were set up, and massive violations of citizens' human rights and freedoms took place.
>
> "The extremely complex situation forced the adoption of a very grave decision: to use armed force in Chechnya. Having inquired

into the constitutionality of the various edicts on the subject by the President of the Russian Federation, the Constitutional Court of the Russian Federation decided on 31 July 1995: 1. to halt proceedings on the case and in the matter of the constitutionality of Edict No. 2137, dated 30 November 1994, by the President of the Russian Federation, 'Measures to restore the rule of constitutional law and order in the Chechen Republic'; 2. to accept that Edict No. 2166, dated 9 December 1994, by the President of the Russian Federation, 'Measures to halt the activities of illegal armed units in the Chechen Republic and the area of the Osset-Ingush conflict', was issued within the constitutional authority of the President of the Russian Federation and was in accordance with the Constitution of the Federation.

"The Government of the Russian Federation wishes to bring to the attention of the Secretary-General of the United Nations the fact that, in order to monitor respect for constitutional rights and freedoms during the restoration of the constitutional order in the Chechen Republic of the Russian Federation, a Provisional Observer Commission on respect for citizens' constitutional rights and freedoms is in operation in the Chechen Republic pursuant to Edict No. 2224, dated 28 December 1994, by the President of the Russian Federation. The Commission incorporates three subcommissions, dealing with military, legal and socio-economic affairs.

"In the course of its activities the Commission has established the facts in human rights violations and submitted reports to the appropriate authorities. The Commission has been dealing with the violations of constitutional rights and freedoms it discovers as it goes, forwarding information and reports to the appropriate administrative bodies. In all, it sent 57 reports to various entities between December 1994 and the end of October 1995, including 16 to judicial bodies and 8 to the Ministry of Defence.

"Criminal proceedings have been instituted on the strength of 7 reports by the Commission; 9 reports are in the process of implementation, and ministries and government departments have gone over the facts and material in the remaining 41 and submitted reports to the effect that the violations have been halted.

"A military prosecutor's office was established in Grozny in January 1995 to oversee the Russian military's compliance with the law, to prevent law-breaking and to deal day by day with crime as it is reported. Over the reporting period it instituted proceedings in 286 criminal cases. Altogether 122 criminal cases are now in progress, 38 of them concerning offences committed by members of the military against the local population; sentence has already been handed down in 20 cases brought against Russian soldiers.

"The Government of the Russian Federation draws to the Secretary-General's attention the Constitutional Court of the Russian Federation's ruling that 'It is the responsibility of the Federal Assembly of the Russian Federation to bring order to the

legislation governing the use of the Russian Armed Forces and the resolution of other matters arising during abnormal situations and conflicts, including matters arising out of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).'

"At the same time, the Constitutional Court ruled that under articles 52 and 53 of the Constitution of the Russian Federation and article 2, paragraph 3, of the International Covenant on Civil and Political Rights, 'the victims of any violations, crimes or abuses of power must be afforded effective means of legal protection, and compensation for the injury they have suffered'.

"On 20 May 1995, the Government of the Russian Federation approved Provisional Regulations on Compensatory Payments and other Social Safeguards for citizens of the Federation who have suffered as a result of the conflict in the Chechen Republic.

"The Government wishes to draw the Secretary-General's attention to the flagrant violations of the principles of humanity and the savage acts of terrorism committed by the illegal armed units. For instance, on 14 July 1995, a group of armed Chechen terrorists led by Shamil Basaev mounted an attack on the town of Budennovsk. Over 120 people died at the terrorists' hands.

"Peaceful members of the public, primarily women and children from the Russian-speaking population, have been used as hostages and 'human shields' in Grozny, Gvardeiskoe, Bratskoe, Kalinovskaya, Nikolaevskaya, Komsomolskaya and Alpatovo.

"The Government of the Russian Federation wishes to inform the Secretary-General of the United Nations that the Russian leadership has tried from the outset to settle the Chechen crisis by peaceful means. The sequence of events listed below bears this out.

"Early in December 1991 the leaders of the RSFSR Supreme Soviet dispatched a team of independent experts to Grozny; their mission was thwarted by Dudaev.

"In 1992 there were a dozen different meetings and consultations between representatives of the RSFSR Supreme Council and the Dudaev regime. The Chechen delegation broke off these consultations.

"Between November 1992 and the end of January 1993 delegations held a series of meetings in Moscow and Grozny under the chairmanship of R. Abdulatipov, the Chairman of the Council of Nationalities under the Supreme Council of the Russian Federation, S. Shakhrai, a Deputy Chairman of the Russian Government, Y. Soslambekov and Y. Mamadaev. During the consultations in Moscow in November and December 1992 an agreement was drafted which would delimit areas of responsibility and authority between the State organs of the Russian Federation and the organs of power in the Chechen Republic. It was accepted (by the Chechen delegation too) as a basis for further work.

"The agreement, however, was fiercely resisted by Dudaev and his supporters. Dudaev in effect disowned Soslambekov and Mamadaev's delegation, calling their meeting with the Russian leadership a 'private initiative', and on 6 January 1993 the United Congress of the Chechen People declared the draft agreement not in keeping with the spirit or letter of the Chechen Republic's Declaration of State Independence.

"Despite Dudaev's fierce resistance to the processes of political settlement, work continued. At talks in Grozny on 14 January 1993 between a delegation from the Russian Federation (R. Abdulatipov, S. Shakhrai, V. Shuykov) and Chechen representatives (K. Akhmadov, B. Mezhidov, Y. Soslambekov and S. Yusupov), it was decided to form working groups to draft an agreement on the delimitation and reciprocal delegation of authority.

"The protocol on the delimitation of authority signed following the talks, which was supposed to form the basis for the agreement, was almost immediately disavowed by Dudaev.

"Between January and May 1993, negotiations by the delegations over the preparation of an agreed text continued in Moscow. Again Dudaev broke off the negotiations.

"A number of documents defining a political formula for resolving the Chechen crisis were accepted in 1994. In February 1994, the message by the President of the Russian Federation to the Federal Assembly mentioned that 'the holding in Chechnya of free, democratic elections and talks on the delimitation of powers with the Federal authorities' might form the basis for the regularization of relations between the Federal authorities and the Chechen Republic.

"In May 1994, consultations were held with various political forces in the Chechen Republic. These took place against the background of an abrupt exacerbation of the social and political situation in Chechnya.

"Even in these complicated circumstances, the President and Government of the Russian Federation continued to believe that political means could be used to resolve the crisis.

"Later on, even after military actions had commenced, the Russian President and Government persevered in their quest for a political settlement.

"On 10 January 1995, the Russian Government adopted a proposal to the members of the illegal armed units in the Chechen Republic of the Russian Federation, stating that in order to prevent further bloodshed and enable efforts to reach a settlement in the Chechen Republic to be shifted into peaceful channels, the Government, on instructions from the Russian President, proposed to the members of the illegal armed units in the Chechen Republic of the Russian Federation that between 8 a.m. on 10 January and 8 a.m. on 12 January they should cease fire, abandon their positions and military equipment and lay down their weapons, and return the people they had captured during armed clashes.

"The members of the illegal armed units who voluntarily laid down their arms would be guaranteed safe passage back to their homes, a return to peaceful work and strict enforcement of the State Duma's resolution of 13 December 1994 declaring an amnesty on those who had taken part in unlawful activities associated with the armed conflicts in the northern Caucasus.

"Beginning in mid-March, the Federal authorities tried to resume a dialogue with representatives of the illegal armed units; the units, however, took advantage of the talks to strengthen their positions and regroup their forces and equipment.

"On 26 April 1995, the Russian President signed an Edict on additional measures to normalize the situation in the Chechen Republic. This announced a moratorium on the use of armed force in Chechnya from midnight on 28 April to midnight on 12 May 1995. Investigating bodies were advised not to institute criminal proceedings against people not involved in grave offences against citizens' lives and well-being who voluntarily laid down their arms.

"Despite the good will displayed by the Russian leadership, the illegal armed units took advantage of the moratorium to regroup their forces and equipment, procure additional weapons and munitions, and mount diversions and terrorist attacks on Federal troops. Figures for 10 May 1995 indicate that 20 Federal soldiers were killed and around a hundred wounded while the moratorium was in effect. Hence the moratorium was used by the fighters to prepare for a continuation of military activities.

"On 5 July 1995, the Government of the Russian Federation conferred its approval on a delegation to attend talks on a peaceful resolution of the crisis in the Chechen Republic.

"On 30 July 1995, an agreement on an assemblage of military questions was signed, presenting a real chance to start afresh on settling the matters at issue while ruling out the use or threat of force.

"The first organizational meeting of the Special Observer Commission which, under the agreement of 30 July, is responsible for monitoring compliance with negotiated agreements on a cease-fire, was held in Grozny on 1 August 1995.

"The co-chairmen of the meeting signed a declaration and an appeal to the Chechen people, and distributed them to journalists.

"Among other things, the Declaration called for a cease-fire beginning at midnight on 2 August, and described the stages in the process of disarming the Chechen units and withdrawing Russian troops.

"The Russian party handed over a list of the people it had detained, which was publicized. Dudaev's representatives made no matching gesture as regards prisoners.

"To guarantee human rights and freedoms, coordinate the activities of Federal executive bodies working to restore the rule of constitutional law and order, bring about conditions under which free, democratic elections could be held in the Chechen Republic, establish Chechen governmental organs and safeguard the implementation of agreements on the peaceful resolution of the situation in the Chechen Republic, the Russian President on 29 August 1995 appointed as his Plenipotentiary Representative in the Chechen Republic, O.I. Lobov, the secretary of the Russian Security Council.

"The Government of the Russian Federation is reluctantly forced to observe that, despite the efforts made to resolve the situation in the Chechen Republic, Dudaev's implacable supporters continue to stage provocations with a view to undermining the peace process.

"On 19 September 1995, an attempt was made on the lives of the Russian President's Plenipotentiary Representative in the Chechen Republic, O.I. Lobov, and leaders of the Government and Committee for National Harmony of the Chechen Republic.

"An act of terrorism was carried out in Grozny on 6 October, as a result of which Lt.-Gen. Anatoly Romanov, a co-chairman of the Special Observer Commission and Commander of the combined Federal troops in Chechnya, was seriously wounded.

"Between 30 July and 19 October 1995, Chechen fighters fired on Russian positions 1,336 times; 651 of the shootings were in Grozny. In September alone, 45 Federal soldiers were killed and 215 wounded by Chechen gunfire. Recently the shootings and attacks on positions held by the combined Federal forces have intensified. As a result, between 20 and 26 October alone, 23 soldiers were killed and 54 wounded.

"On 7 October, the building housing the OSCE Support Group came under fire from a grenade-launcher. Russia regards this act of terrorism as yet another attempt to undermine the negotiating process and the return to peaceful existence in the Chechen Republic of the Russian Federation. The Russian President's Plenipotentiary Representative in the Chechen Republic, O.I. Lobov, gave orders on 8 October to the services concerned to step up security measures for members of the OSCE Support Group.

"Besides armed provocations, Dudaev and his supporters are using terrorist activities to try and disrupt work by the Federal authorities to restore vital facilities and the economy of the Chechen Republic of the Russian Federation. On the night of 7 October, builders from Mineralnye Vody who had come to Chechnya for the reconstruction work were shot. Diversionary activities on the Chechen sector of the Northern Caucasus Railway have become more frequent.

"In spite of provocations by Dudaev and his supporters, the command of the combined Federal forces is determined to maintain restraint in the use of appropriate force.

"As the Chairman of the Russian Government, V.S. Chernomyrdin, said: 'The provocations staged by the implacable supporters of Dudaev in Chechnya can not force Russia to break off the process of peaceful settlement in the Chechen Republic. Everything possible will be done to resolve the conflict in the Chechen Republic by peaceful means. We will not be driven into war by acts of provocation.'

"In accordance with the statement by the Chairman of the United Nations Commission on Human Rights at its fifty-first session, the Russian authorities have established close cooperation and ensured free access by representatives of international humanitarian organizations to all areas affected by the Chechen crisis; they have also instituted unhindered deliveries of humanitarian aid to all groups of the civilian population in need. The Government of the Russian Federation wishes to take this opportunity to thank ICRC, UNHCR, IOM, UNICEF and donor countries for their assistance in coping with the humanitarian consequences of the Chechen crisis.

"At the same time, the Government of the Russian Federation is making every effort to rebuild the economy and improve the socio-economic situation in the Chechen Republic.

"The Russian Ministry of the Economy has drawn up a programme under which 15.8 trillion roubles will be allocated to reconstruction work in Chechnya in 1996.

"The Government of the Russian Federation wishes to draw to the attention of the United Nations Secretary-General the fact that on 11 April 1995 the Permanent Council of OSCE decided to dispatch a support group to the Chechen Republic.

"The Group arrived in the Chechen Republic of the Russian Federation on 25 April. The Government of the Russian Federation is cooperating constructively and maintaining constant contact with the Group. The Group is carrying out its mandate efficiently, and regularly informs the Chairman-in-Office of OSCE of developments in the situation in Chechnya.

"The Government of the Russian Federation informs the Secretary-General that, by order of the Russian Government, dated 7 April 1995, representatives of ICRC have been allowed unrestricted access to individuals captured during the eradication of illegal armed units in the Chechen Republic of the Russian Federation. Specific comments by ICRC on the conditions in which captives are held are considered by the appropriate government departments in the Federation with a view to action to remedy any shortcomings found. Representatives of other international organizations have also been allowed access to the captives. In particular, a group of rapporteurs from the Parliamentary Assembly of the Council of Europe visited a temporary detention point in Grozny on 22 August.

"The Government of the Russian Federation wishes to draw to the Secretary-General's attention the fact that many Russian and foreign non-governmental organizations are operating unhindered in the Chechen Republic.

"Between 22 and 29 May 1995, a representative of the United Nations High Commissioner for Human Rights, Fausto Pocar, visited Moscow, the Chechen Republic and the Ingush Republic. The Ministry of Foreign Affairs is continuing its dialogue with the High Commissioner in the context of the human rights situation in the Chechen Republic of the Russian Federation."

VII. THE COMMISSIONER FOR HUMAN RIGHTS OF THE RUSSIAN FEDERATION

50. The Secretary-General has received, on a regular basis and from different channels, information on the activities of the Russian Commissioner for Human Rights, Mr. Sergei Kovalev, 3/ in relation to the situation in the Republic of Chechnya. Alarmed by reports of gross violations of human rights and humanitarian law by both sides in the conflict, the Russian Commissioner for Human Rights 4/ has undertaken, since 15 December 1994, a series of missions to the conflict area, including Ingushetia. The purpose of his missions was, inter alia, to monitor human rights violations in the zone of conflict, and to report objectively to the Russian Government and press on events in and around Grozny. Mr. Kovalev has regularly met with the Chechen leadership, including President Dudayev.

51. Mr. Kovalev reports that gross and widespread violations of human rights and the norms of humanitarian law have been committed in Chechnya. Although both sides in the conflict are involved in human rights violations, in the view of Mr. Kovalev, Federal troops are responsible for conducting military operations, using modern heavy weapons and aircraft for indiscriminate attacks which are causing widespread death and injury among the civilian population and destroying housing and civilian infrastructure indispensable for survival. Neither side in the conflict is taking the necessary measures for the protection and evacuation of the civilian population located in the war zone. Mr. Kovalev further indicates that the Federal side is obstructing shipment to the war zone of humanitarian assistance, including life-saving medical supplies for the wounded. No attempt has been made to safeguard the security of citizens and to defend the constitutional order by introducing a state of emergency. Finally, Mr. Kovalev's report indicates that there were no Muslim mercenaries involved in the fighting, as alleged.

VIII. NON-GOVERNMENTAL ORGANIZATIONS

52. A number of non-governmental organizations transmitted reports on the situation in the Republic of Chechnya of the Russian Federation to the Secretary-General. These included Human Rights Watch/Helsinki, Amnesty International, Unrepresented Nations and Peoples Organization (UNPO), the Quaker Peace and Service, the Covcas Center for Law & Conflict Resolution, the International Commission of Jurists, the International League for Human Rights and the International Group of Parliamentarians on the Problem of Chechenia. Information was also received from Russian non-governmental organizations,

including the Memorial Human Rights Centre, the public foundation "Glasnost", the Union of North Caucasian Women and the Soldiers' Mothers Organization of St. Petersburg. This information is summarized below.

A. Right to life, personal security and physical integrity

53. Reports by non-governmental organizations suggest large numbers of fatalities resulting from the conflict in the Republic of Chechnya of the Russian Federation. An investigation carried out by Russian non-governmental organizations found that, within a period of five months (25 November 1994-15 April 1995), a total of 26,550 civilians had died, of whom 2,300 were children under 15 years of age, 5,050 women and some 2,500 persons over the age of 50. 5/ Other reports suggest that by August of 1995 at least 40,000 civilians had died and 10,000 Russian soldiers and an unknown number of Chechen fighters had been killed in the fighting. 6/

1. Extrajudicial, summary or arbitrary executions

54. Reports indicate many cases of summary executions. According to information received, a humanitarian organization discovered some 40 unmarked graves with approximately 300 remains, a number of which appeared to be those of teenagers. Some, including those of children, were reported to have clear marks of summary execution - a bullet hole through the temple. 7/ Other reports indicate that Federal troops repeatedly fired on and killed civilians at checkpoints 8/ and summarily executed captured Chechen men, both civilians and fighters. 9/ Two cases were reported of the shooting to death by Federal troops of humanitarian aid workers when they attempted to prevent the summary execution of a civilian on a street in Grozny. 10/

55. Russian Ministry of Interior Forces (senior officers) allegedly fired into a group of soldiers who refused to obey orders to kill the civilian population. 11/ In this regard reports 12/ were critical of the behaviour and conduct of the Federal military personnel serving in the field and noted that they lacked training in humanitarian law. 13/

56. Although the conduct of Chechen fighters has scarcely been documented in non-governmental reports, information indicates that they indiscriminately fired on, and killed, civilians. For example, on 14 June 1995, Chechen commandos took some 2,000 people hostage in the town of Budennovsk in the Stavropol region and barricaded themselves in the town's hospital. 14/ The hostage-takers allegedly shot to death in the hospital four civilian men. In this incident, over 100 hostages were reportedly killed when Federal forces attempted to take over the hospital. 15/

57. There have also been reports that Chechen forces executed members of the militia's special task forces of the Ministry of Interior (OMON) whom they had captured. 16/ For example, on 13 June 1995, Chechen forces threatened to shoot five Russian prisoners every day unless Federal troops stopped bombing the village of Shatoi. It is reported that they executed five Russian soldiers on that day and four the next. 17/

Samashki incident, 7-8 April 1995

58. It is reported that a massacre of over 100 people, mainly civilians, occurred between 7 and 8 April 1995 in the village of Samashki, in the west of Chechnya. 18/

59. According to the accounts of 128 eye-witnesses, Federal soldiers deliberately and arbitrarily attacked civilians and civilian dwellings in Samashki by shooting residents and burning houses with flame-throwers. The majority of the witnesses reported that many OMON troops were drunk or under the influence of drugs. They wantonly opened fire or threw grenades into basements where residents, mostly women, elderly persons and children, had been hiding.

60. Russian human rights NGOs carried out an investigation into the incident and concluded, inter alia, that: (a) Federal troops had conducted a "clean-up" operation, including extensive house-to-house searches, during which they killed civilians, mistreated detainees and committed arson; (b) at least 103 civilians, most of whom did not participate in the armed clashes were killed; (c) owing to the blockade of the village by Federal troops, the wounded did not have access until 10 April 1995 to qualified medical assistance, as a result of which many of them died; (d) indiscriminate arbitrary detention of the male population of the village was carried out, during which torture, beatings, mistreatment and summary executions were reported. 19/

2. Attacks on civilians and/or civilian targets

61. Attacks by Federal forces on Chechen towns and villages have been characterized as completely indiscriminate, disproportionate and deliberate. 20/ Reports also describe, in the victims' own words the indiscriminate attacks against displaced persons in transit, and the shelling of their camps by Federal soldiers. 21/ For example, on 7 March 1995, outside the village of Achkhoy-Martan, south-west of Grozny, Federal troops reportedly opened fire on two vehicles transporting people fleeing the conflict zone and shot dead seven people, including five women and a three-month-old baby girl. 22/

3. Anti-personnel mines

62. According to the information received, explosive devices and means of delivery prohibited by international humanitarian law were used in Chechnya. Anti-personnel mines, and to a lesser extent unexploded shells, reportedly began to claim an increasing number of civilian victims in Chechnya, most of whom were believed to be children. Problems relating to anti-personnel mines make the deteriorating security situation in Chechnya even more serious and impede the return of internally displaced persons. 23/

4. Alleged use of chemical weapons

63. In a statement made at the forty-seventh session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Dr. Aslambek Kadiev, the representative of the NGO Society for Threatened Peoples, alleged that chemical weapons had been used in Chechnya. 24/

64. The Russian member of the Sub-Commission, Mr. Chernichenko, dismissed allegations as "complete fabrication demonstrating a lack of sufficient scrutiny on the part of the Russian press". He pointed out that previous allegations on the use of chemical weapons, made on Russian television by one of the groups associated with General Dudayev, had proven unfounded. 25/

B. Torture and inhuman or degrading treatment

65. In addition to the information already provided in the report of the Special Rapporteur on the question of torture (see paras. 15-16 of the present report), much of the information received refers to abuses committed by Federal forces. According to those sources, in February and March 1995 concentration centres, situated at army bases beyond outside control and verification, became the sites of the most comprehensive violence and cruel or degrading acts committed against the detainees. 26/ Systematic beatings, torture and other forms of ill-treatment, including electric shocks, were said to be routine during detention at "filtration points" or transportation between them. In the latter case detainees with their hands and legs tied were allegedly loaded onto trucks in several layers, one on top of another. As a result some prisoners suffocated to death. 27/

C. Involuntary disappearances

66. It has been alleged that 1,438 civilians, including 150 women and 74 children, disappeared in and around Grozny, mostly during the period January to March 1995. Most of them were said to be between the ages of 18 and 40. In addition to the disappeared civilians, 1,407 Chechen combatants are said to be unaccounted for. 28/

D. Arbitrary detention

67. Arbitrary detentions on a mass scale were reported to have taken place from January to early February and in April 1995; many of the people detained were held without the necessary authority from the prosecutor. 29/ Since the spring of 1995, reports indicate, the practice of detaining people elsewhere than in the officially established "filtration camps" has become widespread. 30/ Reportedly, 2,000 men were detained in concentration camps, including many teenagers and old men who had not participated in the military resistance. 31/ Other sources allege that Federal forces have frequently detained any Chechen male, regardless of whether there was any evidence of their involvement in the armed opposition, in order to exchange them for captured Russian soldiers. 32/

E. Right to an adequate standard of living, including adequate food and clothing, and right to be free from hunger

68. Reports indicate that since 30 September 1995 Federal forces surrounded and cut off the town of Sernovodsk. As a result, 3,600 internally displaced persons at the town's sanatorium complex, the 20,000 residents of Sernovodsk and other internally displaced persons living with relatives or friends reportedly suffered food shortages. Reports also indicate that Russian officials were reported to be directing aid to northern areas of Chechnya believed to be more supportive of central government rule and away from two other regions, southern Chechnya and the Republic of Daghestan, which had become a refugee centre. 33/ In addition, it is reported that the Russian authorities have repeatedly attempted to block humanitarian relief to the area by creating bureaucratic difficulties for relief organizations, interfering with the distribution of aid and halting medical evacuations from Grozny. 34/

F. Right to freedom of movement and freedom to choose one's residence within a State

69. Free movement or passage of both displaced and resident civilians trying to flee to safer locations was reported to be often restricted or stopped by Federal forces. Injured persons were said to have encountered difficulties in passing through some military checkpoints. 35/ Allegations state that people going in and out of the village of Achkoi Martan were being charged 100,000 roubles (US$ 23) each by Russian soldiers at the checkpoints. The charge for entering or leaving Sernovodsk (on foot only, and not all were allowed through) was 50,000 roubles. 36/

G. Situation of internally displaced persons

70. By the end of April 1995, the war in Chechnya had reportedly caused the displacement of some 450,000 people, more than 45 per cent of Chechnya's population, half of them scattered throughout the northern Caucasus, especially in Ingushetia and Daghestan. 37/

71. The conditions in which the internally displaced persons currently live are reported to be alarming, in particular with respect to shelter, health care, nutrition and sanitation. Reports note that some internally displaced persons had to move one or more times for various reasons, mainly unpredictable repeated armed clashes in the areas where they had found shelter. For example, of the 49,000 internally displaced persons from Chechnya in Ingushetia at the end of September 1995, 2,107 were persons from Prigorodny district who had fled to Grozny in 1992 and had been displaced again to Ingushetia in 1995. Many NGOs are concerned about the protection of internally displaced persons attempting to flee zones of military activity within Chechnya because there is no UNHCR presence in Chechnya itself. 38/

1. Women

72. The majority of those displaced as a result of the conflict in Chechnya are reported to be women, children and the elderly. Reports indicate that with a large percentage of men absent for a variety of reasons, the women

humiliation and frustrations of life in displacement, and were often not able to provide for their children's needs. A case of sexual abuse has been reported involving a young Chechen internally displaced woman from the town of Sernovodskaya, who was abducted and raped by several Russian inebriated soldiers in early October 1995. 39/

2. Children

73. It is estimated that at least 2,000 children were killed, and 6,000 children lost at least one parent as a result of the conflict in Chechnya. Other sources report that in Chechnya during the period from September 1994 to February 1995, 4.6 per cent of all civilians wounded were children, while from February through May 1995, children were an appalling 40 per cent of all civilian casualties. Reports indicate that children in Chechnya have been severely traumatized. Many children reportedly manifested emotional and functional psychosomatic disturbances and other forms of disorders. Reports also note that internally displaced parents showed high levels of intense anxiety, fear and aggressivity, which in turn aggravated the psychological impact on children. Adult behaviour and the mass media also contribute to strong feelings of revenge among the children. Concerns were expressed that the needs of child victims in terms of protection and assistance are far from being met with present resources. 40/

Child soldiers

74. Reports indicate that a large number of children, including some as young as 11, served in the armed forces fighting in Chechnya. In this regard, the Dudayev authorities reportedly admitted that children between 15 and 18, including females, serve in their forces and participate in combat. Child soldiers in Chechnya were reportedly assigned the same tasks as adult combatants, and served on the front lines soon after joining the armed forces.

Notes

1/ The Russian Federation is also a party to the following human rights instruments: International Convention on the Elimination of Racial Discrimination (since 6 March 1969); International Covenant on Economic, Social and Cultural Rights (3 January 1976); Convention on the Elimination of All Forms of Discrimination against Women (3 September 1981); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (26 June 1987); Convention on the Rights of the Child (15 September 1990).

2/ In preparing this information, the Government of the Russian Federation took as its starting point the various points of the statement on this matter by the Chairman of the United Nations Commission on Human Rights at its fifty-first session, which was adopted by consensus.

3/ In September 1993, after the dissolution of the Supreme Soviet (Parliament) of the Russian Federation, President Yeltsin appointed Sergei Kovalev as Chairman of the President's Human Rights Commission, the non-remunerative post he was holding at the time of writing of the present

report. In January 1994, the State Duma elected Mr. Kovalev as the first Russian Commissioner for Human Rights (ombudsman), a post established by the 1993 Constitution, and on 10 March 1995 removed him from that post. Since then Mr. Kovalev has led the Observer Mission of Russian human rights NGOs to the zone of the armed conflict in the Republic of Chechnya. In the elections of 17 December 1995 Mr. Kovalev was re-elected to the State Duma.

4/ Mr. Kovalev was assisted by several Russian non-governmental organizations, in particular the Memorial Human Rights Centre (MHRC), since he did not have adequate power and resources owing to the lack of an appropriate law on his mandate as ombudsman.

5/ Fatalities among the civilian population of Grozny during armed conflict (25 November 1994-15 April 1995), experts' conclusion, the Observer Mission of Human Rights NGOs to the zone of the armed conflict in the Chechen Republic, correspondence from MHRC received on 3 January 1996.

6/ The Mother's March for Life and Compassion, Moscow-Grozny, correspondence from Quaker Peace & Service (QPS), 15 August 1995.

7/ "Armed conflict in Chechnya, its impact on children", report by Hrair Balian, Covcas Center for Law and Conflict Resolution, Arlington, VA, November 1995, p. 35 (hereinafter referred to as Balian case study).

8/ "Russia: war in Chechnya, new report from the field", Human Rights Watch/Helsinki (HRW/H), New York, January 1995, vol. 7, No. 2, p. 2 (hereinafter referred to as HRW/H report, Vol. 7, No. 2).

9/ "Russia: armed conflict in the Chechen Republic: seeds of human rights violations sown in peacetime", Amnesty International, April 1995, AI Index: EUR 46/10/95, p. 16 (hereinafter referred to as AI report); "Mass violations of human rights in Chechnya continue", correspondence from QPS, 7 February 1995 (hereinafter referred to as QPS correspondence on mass violations).

10/ Balian case study, p. 11.

11/ QPS correspondence on Mass violations; "Civilian Population of Chechnya, Case No.1995/559", Correspondence from QPS, 20 November 1995 (hereinafter referred to as QPS correspondence on Civilian population).

12/ "Russia: three months of war in Chechnya", HRW/H, February 1995, Vol. 7, No. 6, p. 16 (hereinafter referred to as HRW/H report, Vol. 7, No. 6).

13/ Speaking at a round table, Mr. Stanislav Chernichenko, the Russian independent expert member of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, expressed concern that the Federal authorities had allowed gross violations of Protocol II to the Geneva Conventions of 12 August 1949 relating to non-international armed conflicts to take place. In his view, Russian military servicemen fighting in Chechnya

were unaware of the existence of the Protocol, whose provisions are applicable to the situation in Chechnya. (Chernichenko, S., "Chechen conflict. International legal aspects". VI Round Table on "The war in Chechnya, necessity of holding an international tribunal", Moscow, 15 July 1995. Public Foundation "Glasnost", Public Investigation Commission, Moscow 1995, pp. 39-41.)

14/ Balian case study, p. 9.

15/ Correspondence from MHRC, received on 3 January 1996.

16/ AI report, p. 23; Correspondence from HRW/H, 15 February 1995; HRW/H report, Vol. 7, No. 2, p. 2.

17/ Correspondence from MHRC, 3 January 1996.

18/ "Russia: partisan war in Chechnya on the eve of the WWII commemoration", HRW/H, May 1995, Vol. 7, No. 8, pp. 13, 16; Human Rights Watch/Helsinki decries failure by United Nations Commission on Human Rights to take action on Chechnya, correspondence from HRW/H, 15 February 1995 (hereinafter referred to as HRW/H correspondence on CHR); QPS correspondence on civilian population.

19/ "By all available means", investigation conducted by NGOsOM, MHRC, Moscow 1995, pp. 97-99 (hereinafter referred to as MHRC report on Samashki).

20/ HRW/H report, Vol. 7, No. 8, p. 7; "Chechnya - attacks on villages intensify, situation Tense in Grozny, Chechnya and Moscow", correspondence from QPS, 24 November 1995 (hereinafter referred to as QPS correspondence on intensified attacks); Balian case study, pp. 10, 40.

21/ HRW/H reports, Vol. 7, No. 6 and No. 8, pp. 10, 11, 15-16.

22/ AI report, p. 13.

23/ Balian case study, pp. 36-38.

24/ E/CN.4/Sub.2/1995/SR.18, para. 15; correspondence from the Unrepresented Nations and Peoples Organization (UNPO), 22 September 1995.

25/ Ibid. para. 49.

26/ "Conditions in detention in the Chechen Republic conflict zone. Treatment of Detainees", investigation conducted by NGOsOM, MHRC, Moscow, 1995, pp. 15, 16, 23, 40 (hereinafter referred to as MHRC report on detention).

27/ AI report, p. 3; correspondence from HRW/H, 15 February 1995; MHRC report on detention, p. 43.

28/ Balian case study, pp. 11, 35-36.

29/ AI report, p. 3; QPS correspondence on intensified attacks.

30/ MHRC report on detention; "Sernovodsk", correspondence from MHRC, received on 3 January 1996.

31/ E/CN.4/Sub.2/1995/SR.18, para. 16.

32/ AI report, p. 4; MHRC report on Samashki, p. 32; HRW/H report, Vol. 7, No. 6, pp. 12-16.

33/ Letter from HRW/H, 10 January 1995, addressed to President Boris Yeltsin.

34/ HRW/H correspondence on CHR; HRW/H report, Vol. 7, No. 6, p. 18.

35/ "Ingushetia, Chechenia", report of the UNPO mission to the Republic of Ingushetia and the Chechen Republic-Ichkeria, 5-12 December 1994, p. 26; "Sernovodsk fully blockaded - food stocks running out", correspondence from QPS, 30 October 1995.

36/ QPS correspondence on intensified attacks.

37/ HRW/H report, Vol. 7, No. 2, p. 2; Balian case study, p. 39.

38/ Balian case study, pp. 27, 29.

39/ Ibid, p. 29.

40/ Ibid, pp. 21, 24, 41 and 53.

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